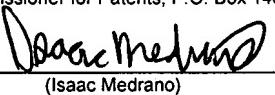


I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EM 021711244 US, on the date shown below in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 13, 2007 Signature:



(Isaac Medrano)

Docket No.: 282172005900  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Michael S. KINCH et al.

Application No.: 10/584,364

Confirmation No.: Not Yet Assigned

Filed (Int'l): October 15, 2004

Art Unit: Not Yet Assigned

For: EPHA2 VACCINES

Examiner: Not Yet Assigned

### **COMMUNICATION REGARDING EXPRESS ABANDONMENT UNDER 37 CFR 1.138**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants, by their undersigned attorney and form PTO SB/24 (co-filed herewith), hereby expressly abandon the above-referenced patent application as of the filing date of this paper, without leaving any outstanding rights in this patent application. Applicants understand and desire that the above-referenced patent application may not hereafter serve as a basis for claiming a right of priority.

This abandonment is made without prejudice and is not intended as an abandonment of the subject matter disclosed and claimed in this patent application.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 282172005900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 13, 2007

Respectfully submitted,

By Brian A. Donahue  
Brian Donahue

Registration No.: 58,206  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5632

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Michael S. KINCH et al.

Application No./Patent No.: 10/584,364 Filed/Issue Date: October 15, 2004 (Int'l)

Entitled: EPHA2 VACCINES

Cerus Corporation

(Name of Assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.

(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)  
in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO.]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

10-22-07

Date

Howard G. Ervin

(925) 288-6116

Telephone Number

Printed or Typed Name

Vice President, Legal Affairs

Title

Attorney Docket No.: 282172005900

**NUNC PRO TUNC  
ASSIGNMENT  
SOLE**

THIS NUNC PRO TUNC ASSIGNMENT is effective the 1<sup>st</sup> day of March, 2007 by and between the below-identified Assignor and Assignee.

THIS ASSIGNMENT, by Michael S. KINCH (hereinafter referred to as the assignor), residing at 19627 Hoover Farm Drive, Laytonsville, Maryland 20882, witnesseth:

WHEREAS, said assignor has invented certain new and useful inventions in EPHA2 VACCINES, set forth in an application for Letters Patent in the United States Patent and Trademark Office, bearing application number 10/584,364 with the international filing date of October 15, 2004; and

WHEREAS, effective March 1, 2007, MedImmune, Inc., a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at One MedImmune Way, Gaithersburg, Maryland 20878 (hereinafter referred to as the assignee) is desirous of acquiring said assignor's entire right, title and interest in and to said inventions and said non-provisional application and any application for Letters Patent claiming priority thereto, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, effective March 1, 2007, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, said assignor's entire right, title and interest in and to the above-mentioned inventions, provisional patent application and application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all conversions, divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

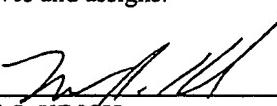
AND for the same consideration, effective March 1, 2007, said assignor does hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of said assignor's entire right, title and interest in and to said inventions and the provisional patent application above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, effective March 1, 2007, said assignor does hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, provisional patent application, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignor does hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

10/16/07

Date



Michael S. KINCH

**ASSIGNMENT  
JOINT**

THIS ASSIGNMENT, by Thomas W. DUBENSKY, Jr. and David N. COOK (hereinafter referred to as the assignor), residing at 15 King Avenue, Piedmont, California 94611 and 1975 Marion Court, Lafayette, California 94549, witnesseth:

WHEREAS, said assignor has invented certain new and useful inventions in EPHA2 VACCINES, set forth in an application for Letters Patent in the United States Patent and Trademark Office, bearing application number 10/584,364 with the international filing date of October 15, 2004; and

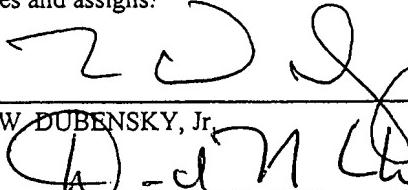
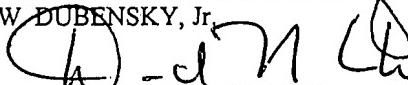
WHEREAS, Cerus Corporation, a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 2411 Stanwell Drive, Concord, California 94520 (hereinafter referred to as the assignee) is desirous of acquiring said assignor's entire right, title and interest in and to said inventions and said non-provisional application and any application for Letters Patent claiming priority thereto, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, said assignor's entire right, title and interest in and to the above-mentioned inventions, provisional patent application and application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all conversions, divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignor does hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of said assignor's entire right, title and interest in and to said inventions and the provisional patent application above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor does hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, provisional patent application, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

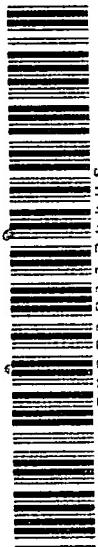
AND said assignor does hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

<u>10/19/07</u> <hr/> Date <u>10/19/07</u> <hr/> Date	 Thomas W. DUBENSKY, Jr.  David N. COOK
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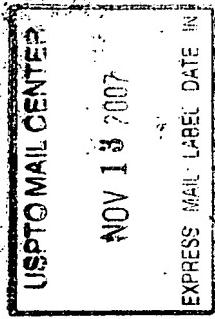
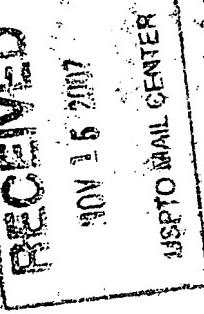
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